

Serial No.: 09/841,473
Title: Take-up reel with Uni-Directional Speed Governed Retractor
Amendment

REMARKS

Claims 1-21 are pending in the application. All claims stand rejected.

In the Ex Parte Re-Examination Advisory Action dated March 12, 2003, the Examiner determined that the 37 C.F.R. §1.131 Declaration submitted by applicants did not overcome the rejections because it did not show that the invention, as claimed, having a viscous clutch and a uni-directional clutch was in applicants' possession before March 8, 1999. The filing date of the relevant prior art reference (Patent No. 6,158,684 to Hedlund) is February 1, 1999.

Applicants have amended the base claims to claim an invention that was clearly in applicants' possession prior to the filing date of the relevant prior art reference, namely a hose reel assembly having a uni-directional viscous damper assembly having *means* for engaging and disengaging the viscous damper. As noted in the specification one means for engaging and disengaging the uni-directional viscous damper comprised the folding vanes shown in FIG. 8 of the application and in the concept drawings attached as Exhibit A to applicants' 37 C.F.R. §1.131 Declaration. As noted in the 37 C.F.R. §1.131 Declaration, this embodiment was conceived of prior to December 3, 1998, well in advance of the February 1, 1999 filing date of Hedlund. Although the embodiment shown in Exhibit A to applicants' 37 C.F.R. §1.131 Declaration is not identical to the disclosure of the Hedlund reference, it is well established that a 37 C.F.R. §1.131 Declaration is sufficient to antedate a reference even if it does not show the identical disclosure as the reference. TMEP 714.02. A 37 C.F.R. §1.131 Declaration is sufficient as long as the Declaration contains facts showing a completion (or a conception followed by diligence towards a reduction to practice) of the invention commensurate with the extent of the invention as

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claimed. In re Wakefield, 422 F.2d 897 (CCPA 1970). Since the Hedlund reference discloses nothing more than a "release device" [col. 3, lns. 59-64] and since the folding vanes are a type of "release device" that was in applicants' possession prior to the effective date of the Hedlund reference, applicants have established invention of the subject matter of the present application prior to the effective date of the Hedlund reference. Accordingly, applicants request that the Hedlund reference be removed as a reference and that the rejection of the claims be withdrawn.

Conclusion

No new matter is introduced by the amendments herein. Based on the foregoing, applicants believe that all claims under consideration are in a condition for allowance and reconsideration of this application is respectfully requested.

Respectfully submitted,

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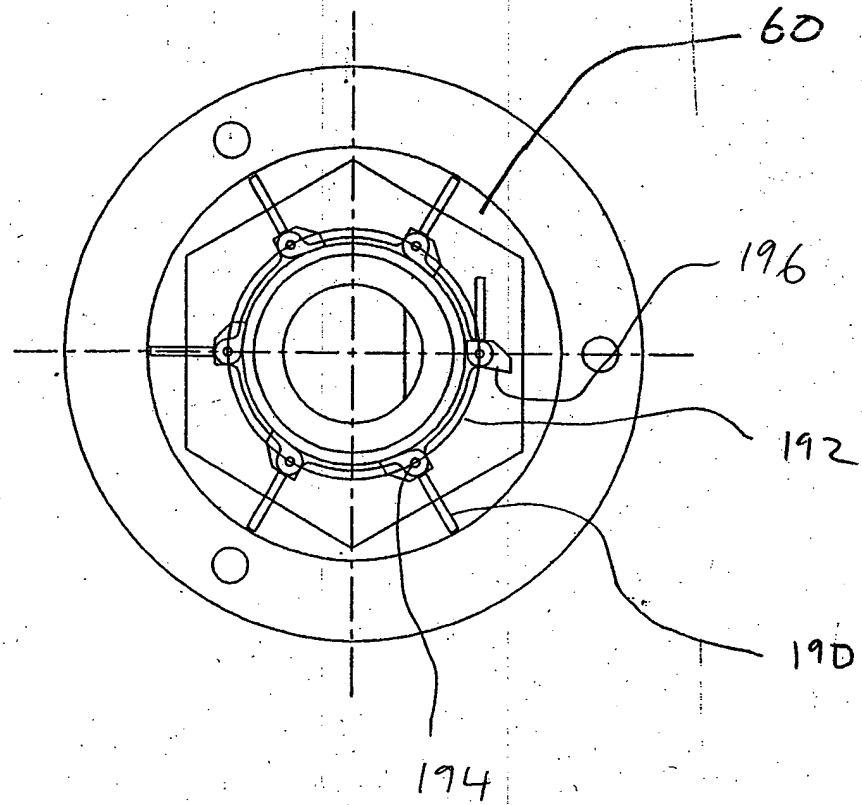


FIG 8